



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of Richard Jude Samulski, et al.

Group Art Unit: To be assigned

Serial No: 08/475,470

Examiner: To be assigned

Filed: June 7, 1995

Atty. Docket No.: 115132-4

For: ADENO-ASSOCIATED VIRUS VECTOR AND CIS-ACTING
REGULATORY AND PROMOTER ELEMENTS CAPABLE
OF EXPRESSING AT LEAST ONE GENE AND
METHOD OF USING SAME FOR GENE THERAPY

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION**

Assistant Commissioner for Patents
Washington, DC 20231
Attn: Box SEQUENCE

Sir:

Responsive to the "Notice to File Missing Parts, Filing Date Granted," dated May 2, 1996 (copy of Notice enclosed), submitted herewith in connection with the above-identified application is (1) a substitute computer readable form pursuant to 37 C.F.R. § 1.821(e); (2) a Declaration under 37 CFR §1.821; and, (3) a check in the amount of \$130.00, respectively.

The undersigned attorney is somewhat puzzled by this second Notice to File Missing Parts. First, our office routinely scans all incoming and outgoing diskettes for viruses using an updated version of F-PROT. We have not had any problems with the "MacGyver" boot virus or any of its aliases. Second, we generate two diskettes with the ASCII file when preparing the computer readable form of the Sequence Listing: one for filing with the PTO and one to as a file copy. Our usual procedure suggests that both diskettes were taken from the same batch of commercial diskettes at the same time and the file copied to each respective diskette. However, our file copy was shown to be virus free. Additionally, the undersigned attorney scanned the file copy disketter from the 12/15/95 filing and the PTO and file copy from todays filing on McAfee Virus Scan 2.2.12. No viruses, including

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PATENT

CERTIFICATE UNDER 37 CFR 1.8(a)
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO ASSISTANT COMMISSIONER OF PATENTS,
WASHINGTON, D.C. 20231

ON JUNE 3, 1996
J. M. Paul & Son
REGISTRATION NO. 36,545
DATE JUNE 3, 1996

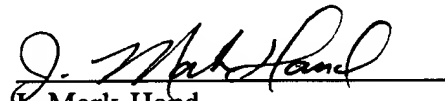
McGyver, were detected. A copy of this scan is enclosed.

Regardless, enclosed is a substitute diskette containing the Sequence Listing as filed December 15, 1995, and the appropriate Declaration under 37 CFR § 1.821(f).

The surcharge of \$130.00 under 37 C.F.R. § 1.16(e) are due. A check in the amount of \$130.00 is submitted herewith. If this calculation is incorrect and Applicant is shown to owe additional fees, please charge these additional fees to Deposit Account No. 07-1745. Please credit any overpayment to Deposit Account No. 07-1745. The undersigned attorney asks that Deposit Account No. 07-1745 be credited \$130.00 if the STIC determines that the Notice was erroneously issued.

Respectfully submitted,

Date: JUNE 3, 1996



J. Mark Hand

Registration No. 36,545

ECKERT SEAMANS CHERIN & MELLOTT

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